

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAUL RODRIGUEZ,

Petitioner,

v.

Civ. No. 23-673 WJ/SCY

ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO and
GEORGE STEVENSON, Warden,

Respondents.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Steven C. Yarbrough's January 2, 2025, Proposed Findings and Recommended Disposition ("PFRD"). Doc. 17. In that PFRD, Judge Yarbrough recommends that the Court: (1) construe the Motion to Clarify and Correct (Doc. 13) as a reply to the habeas petition; (2) deny the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1); (3) dismiss the petition with prejudice; and (4) deny a certificate of appealability. *Id.* at 33-34. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 34. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 17);

2. The Motion to Clarify and Correct Petitioner (Raul Rodriguez) Federal Habeas Corpus Petition (Doc. 13) is construed as a reply to the habeas petition;
3. The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. 1) is DENIED and this case is DISMISSED with prejudice;
4. A certificate of appealability is DENIED; and
5. A final judgment is entered concurrently herewith.

IT IS SO ORDERED.

/s/

WILLIAM P. JOHNSON
SENIOR UNITED STATES DISTRICT JUDGE